



Comptroller General
of the United States

Washington, D.C. 20548

Mr. Morrow

Decision

Matter of: Energy Management Corporation
File: B-241489; B-241491; B-241492; B-241493
Date: November 19, 1990

Francis M. Mack, Esq., Richardson, Plowden, Grier, & Howser,
for the protester.
Herbert F. Kelley, Jr., Esq., Department of the Army, for the
agency.
Charles W. Morrow, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Where the contracting agency initiates debarment proceedings
against the protester, it is no longer an interested party
eligible to maintain a protest under our Bid Protest
Regulations.

DECISION

Energy Management Corporation (EMC) protests by letter dated
October 4, 1990, that the Department of the Army's alleged
refusal to award it contracts under invitations for bids (IFB)
Nos. DABT47-90-0070, -0082, -0100, and -0648, for contract
work at Fort Jackson, South Carolina, constituted a de facto
debarment.

By letter to EMC dated October 30, 1990, the Army initiated
debarment proceedings against EMC. Under Federal Acquisition
Regulation (FAR) § 9.405 (FAC 84-57), firms proposed for
debarment are excluded from receiving government contracts
pending a final debarment decision. Therefore, EMC is not
eligible for award under the IFBs, and is thus not an
interested party, eligible to maintain a protest under our

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Bid Protest Regulations, 4 C.F.R. §§ 21.0(a), (b) and 21.1(a) (1990); Meyer and Lillian Blinder, B-238783, May 11, 1990, 90-1 CPD ¶ 468, aff'd B-238783.2, June 26, 1990, 90-1 CPD ¶ 594; Syllor Inc./Ease Chemical, B-236161.2 et al., Jan. 2, 1990, 90-1 CPD ¶ 1.

The protests are dismissed.

A handwritten signature in cursive script, reading "James A. Spangenberg".

James A. Spangenberg
Assistant General Counsel